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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

XIU FANG LUO,) No. C 08-0340 PJH

Plaintiff,)

v.)

MICHAEL CHERTOFF, Secretary,) EX PARTE REQUEST FOR EXEMPTION
 Department of Homeland Security; EMILIO) FROM THE FORMAL ADR PROCESS

GONZALEZ, Director, United States)
 Citizenship and Immigration Services;)
 JOSEPH P. RUSSONIELLO,* United)
 States Attorney, California Northern)
 District; ROSEMARY MELVILLE, San)
 Francisco District Director; ROBERT S.)
 MUELLER, III, Director of the Federal)
 Bureau of Investigation,)

Defendants.)

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*Pursuant to Fed. R. Civ. P. 25(d)(1), Joseph P. Russoniello is substituted for his predecessor, Scott Schools, as the United States Attorney for the Northern District of California.

ADR CERTIFICATION
 No. C 08-0340 PJH

1 The undersigned certifies that she has read either the handbook entitled "Dispute Resolution
2 Procedures in the Northern District of California," or the specified portions of the ADR Unit's
3 Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute resolution options
4 provided by the court and private entities, and considered whether this case might benefit from any
5 of them.¹

6 Here, Defendants believe that referral to a formal ADR process will not be beneficial because
7 this mandamus action is limited to Plaintiff's request that this Court decide Plaintiff's application
8 for naturalization. Given the substance of the action and the lack of any potential middle ground,
9 ADR will only serve to multiply the proceedings and unnecessarily tax court resources.
10 Accordingly, pursuant to ADR L.R. 3-3(c), Defendants request the case be removed from the ADR
11 Multi-Option Program and that they be excused from participating in the ADR phone conference
12 and any further formal ADR process.

13 Dated: April 1, 2008

Respectfully submitted,

14 JOSEPH P. RUSSONIELLO
15 United States Attorney

16 /s/
17 MELANIE L. PROCTOR
18 Assistant United States Attorney
Attorneys for Defendants

19 **[PROPOSED] ORDER**

20 Pursuant to stipulation, IT IS SO ORDERED.

21 Date:

22 PHYLLIS J. HAMILTON
23 United States District Judge
24
25

26 ¹On March 24, 2008, Defendants' counsel wrote to Plaintiff, who now appears to be
27 proceeding pro se, regarding the ADR certification. To date, Plaintiff has not responded to that
28 letter. Defendants file the certification today in order to comply with the service requirements of
Civ. L.R. 5-5(a).

CERTIFICATE OF SERVICE

Xiu Fang Luo v. Michael Chertoff, et al.
C 08-0340 PJH

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**EX PARTE REQUEST FOR EXEMPTION FROM
THE FORMAL ADR PROCESS**

to be served this date upon the party(ies) as follows:

☒ **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

☐ **PERSONAL SERVICE (BY MESSENGER)** I caused such envelope to be delivered by hand to the person or offices of each addressee below.

☐ **FACSIMILE (FAX)** Telephone No.: _____ I caused each such document to be sent by facsimile to the person or offices of each addressee below.

☐ **FEDERAL EXPRESS**

☐ **CERTIFIED MAIL**

☐ **BY E-MAIL** I caused each such document to be sent by e-mail to the person or offices of each addressee below.

to the party(ies) addressed as follows:

Xiu Fang Luo, Pro Se
63 Mercury Street
San Francisco, California 94124

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 4, 2008 at San Francisco, California.

_____/s/
CAROL E WEXELBAUM
Legal Assistant